

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEPHEN W. BYERLY, SR.)	CASE NO. 1:05 CV 1095
)	
PETITIONER,)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
JAMES HAVILAND¹, WARDEN,)	ORDER
)	
RESPONDENT.)	
)	

This matter is before the Court upon Magistrate Judge David S. Perelman's Report and Recommendation, filed on September 21, 2005. (Dkt. #14). In his report, Magistrate Judge Perelman recommended that this action be **DISMISSED**.

FED. R. CIV. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

¹ Mr. Haviland no longer serves as Warden of the Southern Ohio Correctional Facility. Mr. Edwin Voorhies is the current Warden.

Accordingly, the Report and Recommendation of Magistrate Judge Perelman (Dkt. #14) is hereby **ADOPTED**, and this case is **DISMISSED**.

IT IS SO ORDERED.

/s/ Peter C. Economus - October 13, 2005
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE